

## REMARKS

Claims 1-30 are pending and at issue in the application with claims 1, 18 and 26 being independent claims. Three independent claims remain in the application as previously paid for, and 30 total claims remain in the application as previously paid for. The applicant believes no additional fee is due. However, the Commissioner is hereby authorized to charge any deficiency in the amount enclosed or any additional fees which may be required under 37 CFR 1.16 or 1.17 to Deposit Account No. 13-2855. Reconsideration and withdrawal of the rejections in view of the remarks below is respectfully requested.

The official action objected to each of claims 4-7, 12-17, 19-25 and 27-30 as being dependent upon a rejected base claim, but indicated claims 4-7, 12-17, 19-25 and 27-30 would be allowable if rewritten in independent form. The applicant thanks the examiner for the indicated allowability. The applicant respectfully requests the examiner to consider the remarks below before any of the objected claims are rewritten in independent form.

The applicant respectfully traverses the rejections of claims 1-3, 8-11, 18 and 26 as anticipated by U.S. Patent Application Publication No. US 2005/0198102 to Hahn et al. (hereinafter Hahn et al. '102) under 35 U.S.C. §102(e). Hahn et al. '102 is not prior art with respect to the present application, because the U.S. filing date of Hahn et al. '102 is May 17, 2004. The present application has a U.S. filing date of March 9, 2004. While Hahn et al. '102 is a continuation-in-part of U.S. Patent Application Publication No. US 2003/0061262 also to Hahn et al. (hereinafter Hahn et al. '262) which has a U.S. filing date of September 25, 2001, portions of Hahn et al. '102 relied upon in the official action are not entitled to the earlier U.S. filing date of Hahn et al. '262.

In particular, to the extent the official action relies upon paragraphs [0066], [0067], [0071], [0078], [0081] and [0082] of Hahn et al. '102 in rejecting independent claims 1, 18 and 26, and in turn dependent claims 2, 3 and 8-11, those portions of Hahn et al. '102 are not available as a reference against the present application. The cited paragraphs (and much of Hahn et al. '102) appear to have been new matter that did not appear in the earlier application from which Hahn et al. '102 claims priority. Specifically, the cited paragraphs [0066], [0067], [0071], [0078], [0081] and [0082] of Hahn et al. '102, as well as the figures described by the cited paragraphs (Figs. 7 and 8), were not in the earlier published Hahn et al. '262

parent application. For example, the Hahn et al. '262 parent application only contains 64 numbered paragraphs, none of which appear to correspond to paragraphs [0066], [0067], [0071], [0078], [0081] and [0082] of Hahn et al. '102. In other words, cited paragraphs [0066], [0067], [0071], [0078], [0081] and [0082] of Hahn et al. '102 relied upon in rejecting claims 1-3, 8-11, 18 and 26 do not appear to be entitled to the filing date of the Hahn et al. '262 parent application, because of the apparent new matter within Hahn et al. '102 as compared to the Hahn et al. '262 parent application. *See* MPEP 2136.03 (IV). Accordingly, cited paragraphs [0066], [0067], [0071], [0078], [0081] and [0082] appear to be entitled to only the U.S. filing date of May 17, 2004, which is after the applicant's filing date of March 9, 2004.

It is clear that a claim is anticipated only if each and every element as set forth in the claim is found in a single prior art reference. *See* MPEP 2131. Accordingly, claims 1-3, 8-11, 18 and 26 are not anticipated by Hahn et al. '102, and the grounds for rejection of claims 1-3, 8-11, 18 and 26 as asserted in the action cannot be sustained.

For the foregoing reasons, reconsideration and withdrawal of the rejections of the claims and allowance thereof are respectfully requested. Should the examiner wish to discuss the foregoing, or any matter of form, in an effort to advance this application towards allowance, the examiner is urged to telephone the undersigned at the indicated number.

Respectfully submitted,

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